

Chapter 2.40

CITY MANAGER

2.40.010 Powers vested in city manager.

2.40.020 Appointment.

2.40.030 General powers and duties.

2.40.040 Supplemental powers and duties.

2.40.050 Additional administrative duties.

2.40.060 Working time.

2.40.070 Administrative advisory committees.

2.40.080 Removal of city manager.

2.40.090 Emergency interim successors to city manager.

2.40.010 Powers vested in city manager

The city manager is the chief executive officer of the city in accordance with UTAH CODE ANN. §10-3-1223, *et seq.* The administrative powers of the city government are vested in and exercised by the city manager and his subordinates.

2.40.020 Appointment.

The city council, by a two-thirds vote of its full membership, shall appoint the city manager. The city manager shall be appointed solely on the basis of his ability, integrity and prior experience relating to the duties of the office, including, without limitation, his abilities of public administration and executive leadership. The city manager shall possess managerial capabilities that, in the opinion of the city council, enable him to provide professional direction to the executive department of the city.

2.40.030 General powers and duties.

The city manager shall:

A. Faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises,

leases, permits, contracts, licenses and privileges granted by the city are observed.

B. Carry out the policies and programs established by the city council.

C. Organize and direct the management of the executive affairs of the city in a manner consistent with state law and city ordinances.

D. Appoint, with the advice and consent of the city council, a qualified person to each of the offices of budget officer, recorder, treasurer, director of finance, engineer and attorney.

E. Create any other office as may be deemed necessary for the good government of the city.

F. Regulate and prescribe the powers and duties of all other officers of the city except as provided by law or by ordinance.

G. Examine and inspect the books, records and official papers of any office, department, agency, board or commission of the city and make investigations and require reports from personnel.

H. Appoint, subject to the provisions of state law and title and, with the advice and consent of the council, suspend and remove statutory officers and heads of city offices, departments, internal agencies and all appointive officers of city boards and commissions, except those boards and commissions which are established by and/or are advisory to the city council.

I. Establish standards, qualifications, criteria and procedures to govern the appointments, by heads of offices, departments and agencies or by other authorized officers, of divisional officers, assistants, deputies and employees within their respective organizational units, subject to any applicable provisions of the personnel rules and regulations and this title.

J. Submit to the city council plans and programs relating to the development and needs of the city, and annual and special reports concerning the financial,

administrative and operational activities of city offices, departments, agencies, boards and commissions, together with his evaluation and recommendations relating to them.

K. Attend all meetings of the city council and take part in its discussions and deliberations, but without the right to vote.

L. Appoint, with approval by majority vote of the full membership of the city council, an acting city manager to serve in his absence or temporary incapacity, to perform the powers and duties provided for in this part.

M. Recommend to the city council the adoption of such measures as he deems necessary or expedient.

N. Notify the city council of any emergency existing in any department.

O. Coordinate all city departments in the event of manmade or natural emergencies.

P. Discharge any other duties specified by statute or ordinance or otherwise imposed by the city council.

2.40.040 Supplemental powers and duties.

In addition to the powers and duties enumerated in section 2.40.030 above, the city manager may:

A. Appoint a deputy or assistant city manager and assign and delegate specified rights and responsibilities to him, subject to the city manager's ultimate responsibility to the city council assure proper performance of all of the city's manager's duties hereunder.

B. Authorize a department head or officer responsible to him to appoint and remove subordinates serving under that department head or officer.

C. Designate himself or some officer or employee to perform the duties of any office or position under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.

D. Assign any employee of the city to any department or branch requiring services appropriate to the personnel system classification of the employees so assigned.

E. Prescribe such rules and regulations by executive order as the city manager shall deem necessary or expedient for the conduct of all departments, divisions and offices, subject to his authority, and revoke, suspend or amend any rule or regulation issued by him or any subordinate.

F. Personally or by delegation investigate and examine or inquire into the affairs or operations of any department, division or office; and when so authorized by the council, the city manager shall have power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.

G. Examine all proposed contracts to which the city may be party. When a purchase, obligation or other contract may be properly entered into without specific city council approval, the city manager may sign the document on behalf of the city, provided that the mayor's facsimile signature also is used on the document, and the document is countersigned by the city recorder.

H. Approve pay increases, bonuses and other compensation for city personnel, when appropriate and in compliance with established policies.

I. Set aside any action taken by a subordinate, including the right to supersede any subordinate in the functions of his office.

J. Direct any department, division or office to perform the work for any other department, division or office.

K. Set the dates of all public hearings, in consultation with the city council, and inform the city council of such hearing dates.

L. Accept, reduce, extend and release performance bonds and delay agreements in

favor of the city relating to, *inter alia*, improvements to the public way.

M. In addition to established policies and procedures for filling open employment positions, when the city manager determines that it is in the best interests of the city, the city manager may authorize alternative employment methods, including the recruitment of specific individuals.

2.40.050 Additional administrative duties.

In addition to all other duties and responsibilities of the city manager, the city manager's office is responsible for all matters relating to administrative services, the city recorder, public affairs, administration of justice court services, all advisory organizations, support services to the city council, and such other programs as may be specified by the city council.

2.40.060 Working time.

The city manager shall maintain an office in city hall and shall spend such time in the performance of his duties as is necessary to properly accomplish them.

2.40.070 Administrative advisory committees.

In addition to the advisory committees and councils established pursuant to chapter 2.140 of this title, the city manager may appoint such administrative advisory committees as the city manager feels are necessary or advisable for the proper consideration of administrative issues. Committee members shall be appointed and subject to removal by the city manager. Any such committees shall meet at the city manager's request and shall make such recommendations on matters referred to them as they shall find to be in the city's best interests.

2.40.080 Removal of city manager.

The city manager serves at the pleasure of the city council. The city council may, by majority vote, remove the city manager, with or without cause. Except in the case of removal for proven malfeasance in office, the city manager, upon his removal, shall be paid the unpaid balance of his salary due to the date of removal, together with his salary at the same rate for the next six calendar months following the date of his removal.

2.40.090 Emergency interim successors to city manager.

In the event of a natural or human-caused disaster or emergency situation, in which the city manager is unable to carry out the duties imposed by this part, the duties and authorities of the city manager shall be exercised by one of the following municipal officials, in the order indicated, until the city manager or a person higher on the priority list becomes capable of exercising such duties:

A. Deputy city manager.

B. The officials designated on a listing of at least two municipal officials filed from time to time by the city manager with the city recorder, to act in the priority designated on that list.

The exercise of emergency interim successor duties pursuant to this section shall be promptly reported to the members of the city council as soon as practical by the person assuming those duties.